

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

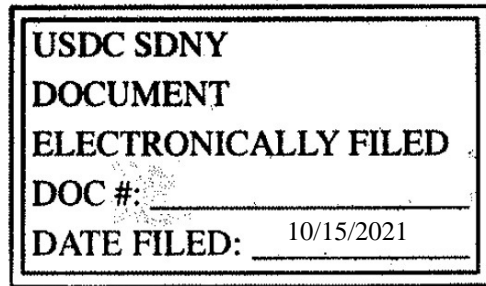
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WHEELER C. DUDLEY,

Plaintiff,

-against-

ANDREW SAUL, as Commissioner of Social
Security,

Defendant.
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20-CV-7462 (VSB) (KHP)

ORDER

VERNON S. BRODERICK, United States District Judge:

This action was filed on September 11, 2020. (Doc. 1.) On February 24, 2021, after Plaintiff failed to show that he had timely served process on the United States Attorney for the Southern District of New York as required by Federal Rules of Civil Procedure 4(i) and 4(m), Magistrate Judge Katharine H. Parker entered an order directing Plaintiff to effect service within the proscribed manner. (Doc. 5.) Plaintiff was subsequently granted an extension of time to effect service until April 16, 2021. (Doc. 6.) However, on April 16, 2021, Plaintiff filed an affirmation of service in which he only stated he effected service on the Commissioner of Social Security, not on the United States Attorney as required by both Rule 4(i) and Judge Parker's order. (*See* Doc. 12.) On September 8, 2021, the United States Attorney for the Southern District of New York filed a letter with the Court stating that they still had not received the required service.

Given Plaintiffs' repeated failures to serve process as required by the Federal Rules of Civil Procedure, as well as his failures to comply with Judge Parker's orders, it is hereby

ORDERED that this action is dismissed without prejudice. Plaintiff may file an

application to restore this action within fourteen (14) days of this order. Any such application must show good cause within the meaning of Rule 6(b) for why an extension of time to serve process should be granted, and the application must include a sworn affidavit detailing the efforts made to date to serve process. Additionally, the application must comply with the Local Rules of the United States District Court for the Southern District of New York, including Local Rules 6.1 and 7.1.

SO ORDERED.

Dated: October 15, 2021
New York, New York

A handwritten signature in black ink, reading "Vernon Broderick". The signature is written in a cursive, flowing style. The first name "Vernon" is written with a large, prominent "V" and "n". The last name "Broderick" is written with a large "B" and "r". The signature is written over a horizontal line.

Vernon S. Broderick
United States District Judge